

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM ALSTON,

Plaintiff,

v.

DEBRA FORSYTH, ET AL.,

Defendants.

CIVIL ACTION NO. 05-168E

JUDGE McLAUGHLIN  
MAGISTRATE JUDGE BAXTER

*(Electronic Filing)*

**DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. PRO. 12(b)(6)**

AND NOW, come Defendants, by and through their attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Michael C. Colville, Assistant United States Attorney for said district, and, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, respectfully moves this Court to issue an Order dismissing the Complaint of Plaintiff, William Alston, in favor of Defendants.

A Memorandum of Law in support of this Motion, together with exhibits, is being filed simultaneously herewith and the contents therein incorporated by reference.

WHEREFORE, Defendants respectfully request that this Court issue an Order dismissing the Complaint of Plaintiff, William Alston, in favor of the Defendants.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

/s/ Michael C. Colville  
MICHAEL C. COLVILLE  
Assistant U.S. Attorney  
Western District of PA  
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OF COUNSEL:

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Assistant General Counsel  
Federal Prison Industries (UNICOR)  
400 First Street, NW, 8<sup>th</sup> Floor  
Washington, DC 20534

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of September, 2007, a true and correct copy of the within **DEFENDANTS' MOTION TO DISMISS PURSUANT TO FED. R. CIV. PRO. 12(b)(6)** has been served either by electronic means and/or first-class mail upon the following:

William Harrison Alston  
Reg. No. 07273-016  
FCI Petersburg  
P.O. Box 1000  
Petersburg, VA 23804

/s/ Michael C. Colville  
MICHAEL C. COLVILLE  
Assistant U.S. Attorney